



#5

PATENT
Case 987P011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Christopher Dwyer)
Carl Wilber)
Steve Zitnik)
Michael Debrecini)
John Dwyer)
SYSTEM AND METHOD FOR)
PERMITTING MAINTENANCE OF)
PRIVACY OF MAIN NUMBER)
ASSIGNED TO WIRELESS SERVICE)
Serial No.: 09/780,946)
Filed: February 9, 2001)

Examiner:

Group Art Unit:

RECEIVED

MAR 28 2002

CERTIFICATE OF MAILING

OFFICE OF PETITIONS

Date of Deposit October 19, 2001

I hereby certify that this paper or fee is being deposited
with the United States Postal Service on the date
indicated above and is addressed to: Commissioner for Patents,
Washington, D. C., 20231.

Vida T. Kampstra

(Typed or Printed Name of Person Mailing Paper or Fee)

120
Signature of Person Mailing Paper or Fee

PETITION UNDER 37 C.F.R. 1.181

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition the Commissioner to accept the
enclosed FIG. 4 in the above-identified patent application, which
was originally submitted with the nonprovisional patent
application papers but apparently lost during processing by the
Office. Applicants submit this petition under 37 C.F.R. 1.181
and 1.182. In the alternative, Applicants submit this petition
under 37 C.F.R. 1.183 requesting the Commissioner to suspend

application of the timing requirement (a) set forth in the Notice to File Missing Parts of Nonprovisional Application mailed in the above-identified patent application on March 19, 2001, copy enclosed and/or (b) set forth in 37 C.F.R. 1.181(f), for the following reasons.

Applicants included the enclosed FIG. 4 with the nonprovisional application papers and thereby deposited it in the Office on the filing date, February 9, 2001. Applicants enclose a copy of the postcard identifying that four sheets of drawings were filed with the original submission of the above-identified patent application. Each figure was included on a separate drawing sheet. Applicants further enclose a substitute sheet for FIG. 4 in which that figure is believed to meet the standards for drawings set forth in 37 C.F.R. 1.84. In addition, Applicants further enclose the Declaration of Vida T. Kampstra, which is further evidence that FIG. 4 was included with the originally filed nonprovisional application papers.

On March 19, 2001, the Office mailed the Formalities Letter in the above-identified patent application, which was the Notice to File Missing Parts of Nonprovisional Application. The first paragraph of the Formalities Letter indicates that Applicants were given two months from the date of the Notice to file all

required items and pay any required fees. The first paragraph of the Formalities Letter further indicated that extensions of time could be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. 1.136(a).

It has just come to the attention of Applicants that FIG. 4 was apparently lost by the Office. In particular, while preparing to file the Response to Missing Parts Notice, the undersigned reviewed the Formalities Letter again, and learned that FIG. 4 described in the specification was identified as being omitted from the application. It further came to the attention of the undersigned that the time period for filing a petition under the two options set forth in the Formalities Letter to cure the omission of FIG. 4 was two months from the date of the Notice, and that the time period is not extendable under 37 C.F.R. 1.136(a) or (b).

With this petition, Applicants have filed the Response to Missing Parts Notice, and have met all of the requirements set forth in the Formalities Letter. In the Preliminary Amendment filed herewith, Applicants have included the substitute drawings for FIG. 1, FIG. 2 and FIG. 3, and have requested that FIG. 4 (formal version) be added to the above-identified patent application pending grant of this petition.

Applicants hereby respectfully request the Commissioner to permit the enclosed FIG. 4 to be added to the above-identified patent application because it was in fact deposited in the Patent and Trademark Office with the nonprovisional application papers. Applicants have enclosed the petition fee (\$130.00) for this petition.

Applicants respectfully submit that the enclosed FIG. 4 is already described in the specification of the above-identified patent application, as the Formalities Letter indicates. The addition of FIG. 4, illustrating what is already fully described in the specification, does not add new matter in the above-identified patent application.

Applicants regretfully acknowledge that they have missed the two (2) month window set forth in the Formalities Letter in which to file this petition. Applicants respectfully submit that they believe the Formalities Letter to be confusing in that its first paragraph indicates that extensions of time can be obtained to enlarge the two month time period within which to file all required items and pay any required fees.

Applicants further note that 37 C.F.R. 1.181(f) indicates that petitions to the Commissioner not filed within two months of the mailing date of the action or notice from which relief is

requested may be dismissed as untimely, except as otherwise noted. The two-month period is not extendable.

Inasmuch as the language set forth in Rule 181 does not require that this petition be dismissed as untimely, but only permits the Office to dismiss this petition, Applicants respectfully request that this petition be entered and granted. In particular, Applicants respectfully submit that it would be unfair to refuse acceptance of the enclosed FIG. 4 when the evidence of record indicates that it was deposited in the Office with the nonprovisional patent application papers. On the other hand, entry and grant of this petition and acceptance of the enclosed FIG. 4 as part of the above-identified patent application would only breathe life into the patent application, as the figure is already fully described in the specification for the patent application.

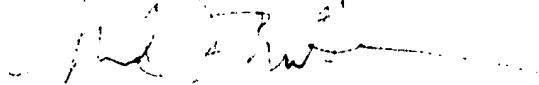
To the extent the Office would otherwise dismiss this petition as untimely, Applicants respectfully petition the Commissioner under 37 C.F.R. 1.183, and have enclosed the required fee (\$130.00). Applicants respectfully submit that the two month timing requirement for filing this petition is not a requirement of the statutes. Further, Applicants respectfully submit that this is an extraordinary situation and that justice

requires the entry and grant of this petition for the reasons set forth above.

In view of the foregoing, Applicants respectfully request the entry and grant of this petition, and the acceptance of the enclosed FIG. 4 because it was deposited in the Office with the nonprovisional application papers.

Respectfully submitted,

COOK, ALEX, MCFARRON, MANZO,
CUMMING & MEHLER, LTD.


Michael J. McGee
Registration No. 43,789

MJM:vk
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
(312) 236-8500

Dated: October 19, 2001

JAN 15 2002

Case No. 987P011

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM AND METHOD FOR PERMITTING MAINTENANCE OF PRIVACY OF
MAIN NUMBER ASSIGNED TO WIRELESS SERVICE**

the specification of which

(check one) is attached hereto

was filed on February 9, 2001 as Application Serial No. 09/780,946 and amended by the Preliminary Amendment filed herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No. 09/658,001, filed September 8, 2000.

I hereby appoint Michael J. McGee, Reg. No. 43,789; Fred S. Lockwood, Reg. No. 14,772; Granger Cook, Jr., Reg. No. 18,283; Daniel C. McEachran, Reg. No. 19,804; Edward M. Keating, Reg. No. 20,646; John L. Alex, Reg. No. 22,017; Daniel M. Riess, Reg. No. 24,375; Eugene M. Cummings, Reg. No. 24,398; Gary W. McFarron, Reg. No. 27,357; Raymond M. Mehler, Reg. No. 26,306; Edward D. Manzo, Reg. No. 28,139; Joel H. Bock, Reg. No. 29,045; Stephen B. Heller, Reg. 30,181; David Lesht, Reg. No. 30,472; Andrew G. Kolomayets, Reg. No. 33,723; Mark J. Murphy, Reg. No. 34,225; David M. Mundt, Reg. No. 41,207; and William H. Magidson, Reg. No. 19,902, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith. Address all telephone calls to Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. at telephone number (312) 236-8500. Address all correspondence to Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. 200 West Adams Street, Suite 2850, Chicago, Illinois 60606.



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Vida T. Kampstra
(Typed or Printed Name of Person Mailing Paper or Fee)


Signature of Person Mailing Paper or Fee

DECLARATION OF VIDA T. KAMPSTRA

I, Vida T. Kampstra, hereby declare:

1. I am employed by the law firm of Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. ("the Cook firm") in Chicago, Illinois, and was employed at the Cook firm on and before February 9, 2001.

2. I am the legal assistant for Michael J. McGee, who is registered to practice before the United States Patent and Trademark Office, Registration Number 43,789.

3. On or about February 9, 2001, I assembled papers for depositing the above-identified nonprovisional patent application in the United States Patent and Trademark Office.

4. Those papers included four sheets of drawings, which included four figures identified as FIG. 1, FIG. 2, FIG. 3 and FIG. 4, respectively. Each drawing sheet included exactly one of the above-identified figures.